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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/500,828 | 07/07/2004 | Harald Hofmann | 502902-184PUS | 9010 |
| 7590 | 11/21/2005 | | EXAMINER | |
| Thomas Langer Cohen Pontani Lieberman & Pavane Suite 1210 551 Fifth Avenue New York, NY 10176 | | | TSO, LAURA K | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2875 | |
| DATE MAILED: 11/21/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/500,828 | Applicant(s) HOFMANN ET AL. | |
| | Examiner laura tso | Art Unit 2875 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/07/04 (Preliminary Amendment).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-10,13-15 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 2-4, 11, 12, 16, 17, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ventilation openings and the diffuser element must be shown or the features canceled from claims 6, 13 and 20-23. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

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The disclosure should be carefully reviewed to ensure that any and all grammatical, idiomatic, and spelling or other minor errors are corrected.

Claim Objections

Claims 1-24 are objected to because they appear to be direct translations of a prior foreign document. The following list of informalities is not considered to be complete:

In claim 1: a) The phrase "in particular" is indefinite because it is unclear if the applicant is claiming the limitations after the phrase or those before the phrase. (note also claim 6, 11, 15, 17)

b) It is unclear to what "one or two ends" refers.

c) The meets and bounds of the word "essentially" are unclear. (note also claim 4)

d) The "limit faces" have no antecedent basis (note also claim 5).

In claim 3: There is no structural relationship between the lamp element of the second type and the prior claimed elements. (note also claim 4).

In claim 5: The meets and bounds of the word "exclusively" are unclear.

In claim 11: it is unclear what the "circumferential direction" is and how two LEDs can be arranged in a ring.

In claim 13: There is no structural relationship between the diffuser element and the prior claimed elements.

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In claim 17: The phrase "and/or" is indefinite because it is unclear if the applicant is claiming the limitations after the phrase or those before the phrase.

In claim 23, "the diffusers" has no antecedent basis. It is believed that claim 23 should depend from claim 20.

In claim 24, The parenthesis makes the claim indefinite because it is unclear if the applicant is claiming the limitations after the parenthesis or those before it.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5-10, 13-15 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hulse et al. (6,874,924).

Hulse discloses a lamp [10] having a base [20] and a bulb element [12] which envelops a physical volume and a lamp [18] having multiple LEDs [16a] wherein the light from the LEDs is irradiated into the bulb element [12]. The bulb

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has curved faces and is open at both ends. The base includes a fixing region that fixes to the bulb at [14a, 14b]. Element 13 acts as a diffuser. Also the bulb is made of plastic (column 4, line 28) having diffuser elements therein (column 4, line 31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hulse et al.

Hulse discloses the bulb is made of plastic having diffuser elements therein but does not disclose that the bulb element is an injection-molded part and the diffusers are mixed in with the plastic granulate prior to the injection molding or are part of the plastic granulate. These methods are obvious in the art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the bulb of Hulse from plastic which is injected molded and the diffusers are mixed in with the plastic granulate prior to the injection molding or are part of the plastic granulate.

Allowable Subject Matter

Claims 2-4, 11, 12, 16, 17, 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and if rewritten to avoid the objections to the claims, above.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to show or suggest a lamp having a base and a bulb element which envelops a physical volume and a lamp having an LED wherein the light from the LED is irradiated into the bulb element, and:

- a) further comprising a lamp element of the second type arranged in the physical volume.
- b) further comprising a lamp element of the second type in the form of a compact fluorescent lamp.
- c) further comprising a plurality of LEDs which are arranged in the form of a circular ring.
- d) wherein the bulb element is hollow and comprises two separate structural elements forming the inner and outer limit faces.
- e) wherein one of the inner or the outer limit faces of the bulb element is provided with a fluorescent layer and the LED radiates in the UV range.
- f) wherein the bulb element is made of plastic containing diffusers which are formed of fluorescent material.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the patents to Wang and Pojar.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to laura tso whose telephone number is 571-272-2385. The examiner can normally be reached on M-W 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, sandra o'shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



laura tso
Primary Examiner
Art Unit 2875